

## **ELECTION OF INVENTION AND REQUEST FOR REJOINDER**

### Election of Invention

In the Office Action, the Examiner indicated that this application includes more than one invention identified as follows:

Group I: Claims 1-13 drawn to a biomaterial, classified in class 623, subclass 897;

Group II: Claims 14-19 drawn to a method of use of the biomaterial in Claim 1, classified in class 623, subclass 899; and

Group III: Claims 20-40 drawn to a method of making of a biomaterial, classified in class 623, subclass 898.

In response, Applicants **elect Group I (Claims 1-13)** drawn to a biomaterial. This election is made without traverse.

### Claim Amendment

Applicants have amended Claim 20 as depending from Claim 1. No new matter is added by the amendment to Claim 20.

### Request for Rejoinder of Non-elected Claims

Applicants respectfully request rejoinder of the claims of nonelected invention upon allowance of the claims of the elected invention. As set forth in M.P.E.P. 821.04, where restriction is required between a product and a process of making and/or using the product, and the product invention is elected and subsequently found allowable, all claims to a nonelected process invention are eligible for rejoinder if those nonelected process claims depend from or otherwise require all the limitations of an allowable product claim.

In this application, the restriction was required among a product (Claims 1-13: a biomaterial,) a method of use of the biomaterial (Claims 14-19) and a method of making the biomaterial (Claims 20-40). As set forth above, Claims 1-13 drawn to the product are elected. Further, the nonelected process claims, Claims 14 and 20, depend from Claim 1. The remaining nonelected process claims depend from either of Claims 14 and 20, and hence, also depend from Claim 1. As such, upon allowance of Claim 1, all the nonelected process claims, Claims 14-40, become eligible for rejoinder. Applicants respectfully request that Claims 14-40 be rejoined upon allowance of Claim 1.

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### ELECTION OF SPECIES

In the Office Action, the Examiner required that if Group I is elected, Applicants elect one species for collagen-based tissue selected from the group consisting of bovine placental tissue, porcine skin tissue, fascia, amnion, placenta and skin of a mammal. In response, **Applicants elect skin of a mammal.** Claims 1-12 are readable on a biomaterial, where the collagen-based tissue is skin of a mammal.

The Examiner further required that the applicants elect one species for polyepoxy compounds selected from the group consisting of compounds comprises a backbone of 17-25 carbon atoms and 4-5 epoxy groups, polyglycerol polyglycidyl ether, and polyethylene glycol glycidyl ether. In response, **Applicants elect polyglycerol polyglycidyl ether.** Claims 1-13 are readable on a biomaterial, where the polyepoxy compounds are polyglycerol polyglycidyl ether.

The Office Action is not clear at page 4, 4<sup>th</sup> line from the bottom that Claims 1 and 20 are generic. Applicants respectfully submit that Claims 1 and 20 are generic with respect to the species the Examiner identified. Applicants respectfully request consideration of claims directed to non-elected species upon the allowance of the generic claim, Claim 1.

### CONCLUSION

The Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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